

82-06-32-022-015.004-029

ORDINANCE NO. R-2015-9 Amended TAX CODE(S) 82-06-32-022-015.005-029

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF EVANSVILLE, STATE OF INDIANA, MORE COMMONLY KNOWN AS 65-67 and 69 Adams Ave, Evansville, IN 47713
 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT:

Section 1: That Ordinance no. G-82-51, being the Municipal Code of the City of Evansville, Indiana, 1982, and more particularly Title XV, Chapter 153, by making certain changes in Atlas 1, which is made part of said section with respect to the following described real estate located in the City of Evansville, Vanderburgh County, State of Indiana:

Goodsell Enl. Lots 7 & 8 Blk 2 and Goodsell Enl. Lot 9 Blk 2

by changing the zoning classification of the above-described real estate from R-2 to C-4, and said real estate is hereby so rezoned and reclassified.

Section 2. The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and its publication as required by law, which publication is now ordered.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana on _____ at Instrument No.: _____. No improvement location permits shall be issued unless the proposed use is in compliance with said recorded use and development commitment.

Passed by the Common Council of Evansville, Indiana, on this ____ day of _____, 20 ____.

ATTEST:

President_____
City Clerk

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said City, the _____ day of _____, 20 ____.

City Clerk

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this _____ day of _____, 20 __, at _____ o'clock

Mayor of the City of Evansville, Indiana

THIS INSTRUMENT PREPARED BY: _____

FILED

JUL 17 2015

Yvonne Windness
CITY CLERK

USE AND DEVELOPMENT COMMITMENT

WHEREAS, the Evansville Brownfields Corp. (Petitioner), is the owner of certain real estate situated in the City of Evansville, Indiana, commonly described as 65-67 and 69 Adams Ave., which real estate is more particularly described as follows, to wit:

Parcel A:

Lots Seven (7) and Eight (8) in Block Two (2) in Goodsell's Enlargement of the City of Evansville, as per plat thereof, recorded in Deed Record E, Pages 14 and 15 and transcribed of Record in Plat Book A, Pages 139 and 140 and further transcribed of Record in Plat Book E, Pages 152 and 153 in the Office of the Recorder of Vanderburgh County, Indiana.

Also, the South Ten (10) feet of that Part of Adams Avenue vacated adjoining Said Lots Seven (7) and Eight (8) on the North side thereof.

More commonly known as 65-67 Adams Ave.

Parcel B:

Lot nine (9) in Block Two (2) in Goodsell's Enlargement of the City of Evansville, as per plat thereof, recorded in Deed Record E, Pages 14 and 15 and transcribed of Record in Plat Book A, Pages 139 and 140 and further transcribed of Record in Plat Book E, Pages 152 and 153 in the Office of the Recorder of Vanderburgh County, Indiana.

Also, the South Ten (10) Feet of that Part of Adams Avenue vacated adjoining Said Lot Nine (9) on the North side thereof.

More commonly known as 69 Adams Ave.

WHEREAS, the real estate is currently classified as R-2 zoning district under the Evansville Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C-4; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. The following uses shall not be permitted on the properties:
 - Boardinghouses
 - Apartment dwelling units with fewer than four units
 - Group home/community residential facilities and similar facilities providing residential services for persons in supervised group living programs
 - Sororities and fraternities

- Public utility exchange or repair facilities
- Drive through food services
- Restaurants serving alcohol OTHER than wine and beer
- C-2 Retail stores specializing in sale or rental of:
 - Automobile parts, equipment and accessories
 - Motorized vehicles including mopeds, bicycles and motorcycles
 - Carpets
 - Drugstores with building size greater than 3000 sf
 - Electrical and plumbing fixtures
 - Household furnishings, including large appliances and furniture
 - Ice
 - Lawnmowers
 - Office equipment and furniture
 - Package liquor stores
 - Paint
 - Pawnshops
- C-2 Service uses:
 - Business school or commercial trade school
 - Home appliance repair
 - Laundromats
 - Lawnmower repair
 - Lawnmowing service
 - Mortuary
 - Office equipment repair
 - Department Store
 - Supermarket with floor area greater than 3000 sf
- C-2 Recreational Uses:
 - Arcade
 - Indoor archery range
 - Bar, nightclub or tavern
 - Bowling alley
 - Dance hall, meeting hall, party house, union hall/trade association meeting hall
 - Lodges and private clubs
 - Pool and billiard room
 - Skating rink, tennis courts (indoor) or trampoline center
 - Automotive service station selling gasoline, oil products, automobile accessories, etc.
- C-3 Uses
 - Off-track betting facility
 - Parking lot or garage, except in conjunction with principal use of property
 - Riverboat gaming operations
- C-4 Retail Uses specializing in the sale or rental of:
 - Awnings
 - Dairy supplies or feed
 - Flea markets
 - Restaurant and hotel supplies and equipment

- Welding supplies and equipment
 - C-4 Service Uses:
 - Aluminum can collection/recycling center
 - Ambulance service
 - Automobile repair and specialized service including overhauling, rebuilding, painting and body work, seat cover installation, washing, etc.
 - Awning and canvas shop
 - Battery repair and rebuilding
 - Bottling plant
 - Crating, packaging or shipping service
 - Dairy or milk distribution station
 - Dry cleaning, dyeing, laundry or rug cleaning plant
 - Janitorial service
 - Linen service
 - Motorcycle repair
 - Pest control
 - Taxi service
 - Tool sharpening or grinding
 - Welding shop
 - Any C-4 warehouse, wholesale or storage uses
 - Any C-4 retail stores or service uses with outside sales, displays or storage without a special use permit
 - Any C-4 adult uses
 - Any outdoor recreational uses
 - Any special use Group 25 uses except child care centers and veterinarian services.
2. Any signage on the property shall be limited to:
 - The maximum height of 30 ft.
 - A total maximum signage on the parcel of 200 sf
 - Two signs per business on the parcel
 3. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representatives, successors and assigns, and shall run in the favor of the Area Plan Commission of Evansville-Vanderburgh County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 14th day of July, 2015 by Evansville Brownfield Corp. for the purpose set forth herein.

Carolyn Rusk
Secretary/Treasurer

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Carolyn Rusk who acknowledged the execution of the foregoing Use and Development Commitment to be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this 14th day of July, 2015.

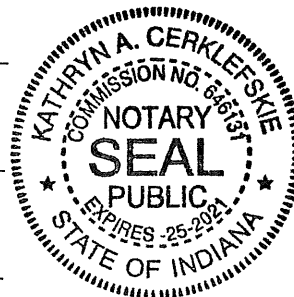
NOTARY PUBLIC

A resident of vanderburgh County, Indiana.

My commission expires: July 25, 2021

Kathryn A. Cerklewski
Notary Signature

Kathryn A. Cerklewski
Printed Name



VERIFIED PETITION FOR REZONING

2015-11 -PCORDINANCE NO. R- 2015-9 AmendedCOUNCIL DISTRICT: Connie RobinsonPETITIONER Evansville Brownfields CorporationPHONE 812-473-7803ADDRESS 1 NW Martin Luther King Jr. Blvd - Room 306, Evansville INZIP CODE 47708OWNER OF RECORD Evansville Brownfields CorporationPHONE 812-473-7823ADDRESS 1 NW Martin Luther King Jr. Blvd - Room 306, Evansville INZIP CODE 47708

1. Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the Indiana Code and the Municipal Code of Evansville.

2. Premises affected are on the South side of Adams Ave. a distance of 275 feet East (N.S.E.W.) of the corner formed by the intersection of Parrett Street and SE Second Street.

Registered Neighborhood Association (if applicable) Goosetown

Goodsell Enl Lots 7 & 8 BL 2 and Goodsell Enl Lot 9 BL2

LEGAL DESCRIPTION:

SUBDIVISION _____ BLOCK (2) two LOT NO. 7 & 8 and 9

(where applicable - if not in a subdivision, insert legal here or attach to ordinance)

3. The commonly known address is 65-67 and 69 Adams Avenue, Evansville IN 477134. The real estate is located in the Zone District designated as R-25. The requested change is to (Zone District) C-46. Present existing land use is Vacant7. The proposed land use is Potential Commercial

8. Utilities provided: (check all that apply)

City Water ☒ Electric ☒ Gas ☒ Storm Sewer ☒Sewer: Private _____ Public ☒ Septic _____

9. All attachments are adopted by reference.

10. The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the area of the above described real estate. I affirm under the penalties for perjury that the foregoing representations are true.

(REQUIRED) Signatures:

DATE March 9, 2015

(when signed)

PETITIONER Carolyn RuskPRINTED NAME Carolyn RuskDATE March 9, 2015

(when signed)

OWNER OF RECORD Evansville Brownfields Corp.PRINTED NAME Evansville Brownfields Corporation

REPRESENTATIVE FOR PETITIONER

(Optional)

NAME _____

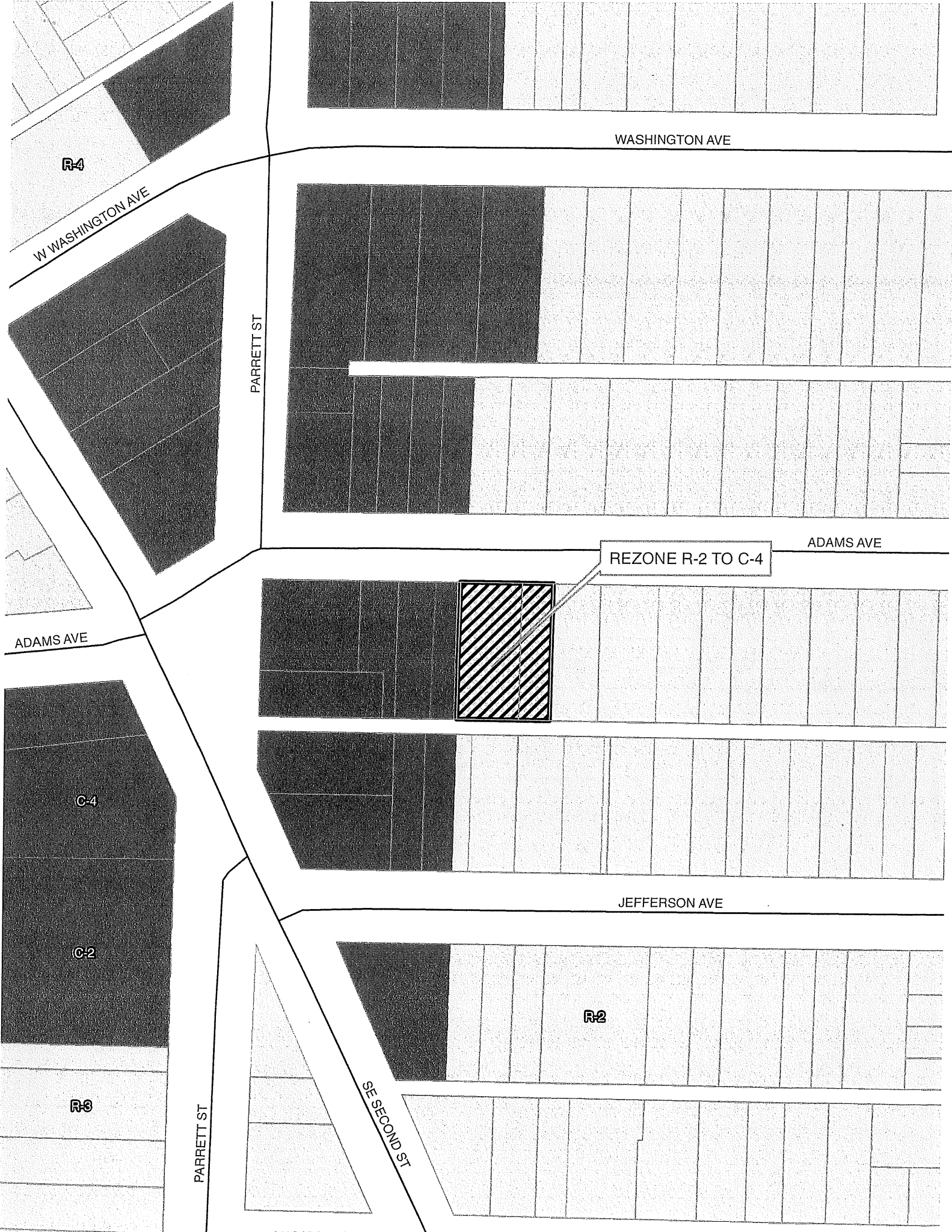
ADDRESS/ZIP _____

PHONE _____

FILED

JUL 17 2015

Anna Winkler
CITY CLERK



R-4

W WASHINGTON AVE

PARRETT ST

WASHINGTON AVE

ADAMS AVE

REZONE R-2 TO C-4

ADAMS AVE

C-4

C-2

R-3

PARRETT ST

JEFFERSON AVE

R-2

SE SECOND ST

